

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

PENNY RUMSEY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

BIRCH COMMUNICATIONS, INC.
d/b/a LIGHTYEAR WIRELESS, a
Georgia Corporation,

Defendant.

Case No. 2:14-cv-12700

Honorable Gershwin Drain

**JOINT STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE
UNDER FED R. CIV. P. 41(a)(1)(A)(ii) AND 41(a)(1)(B)**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Penny Rumsey (“Plaintiff”) and Defendant Birch Communications, Inc. (“Defendant”) that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and 41(a)(1)(B), this action shall be, and is, dismissed with prejudice as to all claims asserted by Plaintiff and without prejudice as to all claims asserted by the putative class.

NOW THEREFORE, IT IS HEREBY STIPULATED and AGREED:

- (1) Plaintiff’s claims against Defendant in this action shall be dismissed with prejudice and the claims of the putative class members are dismissed without prejudice; and
- (2) The Parties shall each bear their own attorneys’ fees and expenses

incurred in any way related to this action, except as otherwise agreed to by the Parties.

IT SO STIPULATED.

Dated: June 25, 2015

Respectfully submitted,

PENNY RUMSEY, individual and on behalf of a class of similarly situated individuals,

By: /s/ John C. Ochoa
One of Plaintiff's Attorneys

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BIRCH COMMUNICATIONS, INC.

Dated: June 25, 2015

By: /s/ Gregory R. Hanthorn
One of Defendant's Attorneys

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CERTIFICATE OF SERVICE

I, John C. Ochoa, hereby certify that on June 25, 2015, I served the above and foregoing ***Joint Stipulation of Voluntary Dismissal with Prejudice Under Fed. R. Civ. P. 41(a)(1)(A)(ii) and 41(a)(1)(B)*** by causing true and accurate copies of such paper to be transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this 25th day of June 2015.

/s/ John C. Ochoa
John C. Ochoa